

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No. 33726 of 1997

Date: 21-03-2007

Between:

M/s.Srikanth Packing (P) Ltd.,
Tadimalla, Nidadavole Mandal, West Godavari District,
rep.by its Director B.Sriramamurthy

Petitioner

And

Superintending Engineer, Assessments,
A.P.S.E. Board, Vijayawada, Krishna District and three others
Respondents

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ORDER:

1. The writ petitioner was an L.T. Industrial (Category-III) consumer indulging in manufacture of "Egg Trays". On 23-07-1997, the Assistant Divisional Engineer, Eluru, had inspected and checked the meter. The writ petitioner asserts that the said Assistant Divisional Engineer who had also signed in the inspection book had not noticed any abnormality or irregularity. While so, the second respondent had inspected the meter on 22-11-1997 and filed a report. Based on that report, a provisional assessment notice dated 13-12-1997 has been issued to the writ petitioner estimating the value of energy pilferaged at Rs.6,91,011/-. The provisional assessment notice also contained the calculation sheet as to how the value of the estimated energy pilfered had been arrived at. Questioning this notice, the present writ petition has been instituted. While entertaining the writ petition, by an interlocutory order passed on 18-12-1997, this court directed the restoration of power supply to the petitioner unit subject to payment of Rs.1,05,000/- within a period of one week.

2. Ms. G.Jhansi, the learned counsel for the writ petitioner represents that the petitioner had since deposited a sum of Rs.1,05,000/- as directed by this court, and that the power supply has been restored. But however she points out that the provisional assessment notice had yet to fructify in to a final assessment order to be passed by the Superintending Engineer-first respondent. It is only

appropriate that the Superintending Engineer-first respondent finalizes the entire exercise at the earliest so that based upon his final assessment, further proceedings can be concluded one way or the other. Since the writ petitioner should also have a fair opportunity of contesting the correctness of the findings contained in the provisional assessment notice, I grant the writ petitioner six weeks time for filing his objections before the first respondent-Superintending Engineer and the Superintending Engineer is granted a further period of three months thereafter to finalize the entire proceedings.

3. With this, the writ petition stands disposed of. No order as to costs.

NOOTY RAMAMOHANA RAO,J

21-03-2007

Stp